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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/917,628      | 07/31/2001  | Chien Teh Huang      | MR1957-572          | 1548             |

4586 7590 05/13/2002

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLIOTT CITY, MD 21043

EXAMINER

WEINHOLD, INGRID M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3632     |              |

DATE MAILED: 05/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                   |                  |
|------------------------------|-------------------|------------------|
| <b>Office Action Summary</b> | Application No.   | Applicant(s)     |
|                              | 09/917,628        | HUANG, CHIEN TEH |
|                              | Examiner          | Art Unit         |
|                              | Ingrid M Weinhold | 3632             |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 31 July 2001.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 July 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_      6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "22" in Figure 6. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alderfer (2,504,291) in view of Kita et al. (4,083,415). Alderfer shows a holder body (2), and a pipe cover (10) disposed at a top of the holder body. The pipe cover has a large diameter portion (11) and a small diameter portion, the small diameter portion being situated below the large diameter portion and being matched inside the top of the holder body. The pipe cover has an assembly hole thereon, a top plate (16) being disposed above the holder body, a rod body (12) being fixedly disposed at a bottom of the top plate, the rod body being matched into the assembly hole. The assembly hole is a screw hole and the rod body is a screw rod. The rod body is matched into the assembly

hole by screwing. Alderfer however does not show a screw hole on the holder body, a retaining groove on the pipe cover or a fixing stud. Pipe covers, or sleeve nuts, are well known in the art and are attached in a various ways including, but not limited to, welding, threading, snap-fitting, and using screws or set screws, and is therefore the applicant's design choice. Kita et al. shows that one way to attach a sleeve nut (12) to a tubular member is by including an annular groove (30) on the small diameter portion of the sleeve nut and then using a set screw (36) to retain the sleeve nut in place. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have attached the pipe cover by Alderfer in the manner taught by Kita et al. in order to easily assemble and disassemble the invention.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alderfer (2,504,291) in view of Kita et al. (4,083,415) and further in view of Berkey et al. Alderfer and Kita et al. combined show all of the features claimed by the applicant's invention but do not however show a nut screwed onto the rod body. Berkey et al. shows rod body (104) having a screw nut (103). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a nut as taught by Berkey on the rod body by Alderfer and Kita et al. combined to further secure the rod body and lock it into place.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alderfer (2,504,291) in view of Kita et al. (4,083,415) and further in view of Heath (5,947,424). Alderfer and Kita et al. combined show all of the features claimed by the applicant's

invention but do not however show a nut screwed onto the fixing stud. Nuts are well-known in the art to be used with screws to secure and lock the screw in place. Heath shows a set screw (22) in combination with a nut. Therefore it would have been obvious to have used a nut as taught by Heath with the set screw by Alderfer and Kita et al. combined in order to further secure the pipe cover in place.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

|                  |             |           |
|------------------|-------------|-----------|
| Green            | U.S. Patent | 2,143,005 |
| Speck et al.     | U.S. Patent | 2,570,282 |
| Shawwaf et al.   | U.S. Patent | 5,400,994 |
| Petrie           | U.S. Patent | 3,313,505 |
| Muller           | U.S. Patent | 1,222,234 |
| Nunez            | U.S. Patent | 5,232,204 |
| Clark et al.     | U.S. Patent | 4,870,789 |
| Foon             | U.S. Patent | 3,737,134 |
| Koyamato         | U.S. Patent | 4,140,415 |
| Schlapfer et al. | U.S. Patent | 6,077,262 |
| Pryor            | U.S. Patent | 4,431,206 |

The above patents all shows sleeve nuts, or pipe covers, attached to tubular members in various ways.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Weinhold whose telephone number is (703)-306-5762.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3686 for informal documents and (703) 305-3597 for formal regular communication and After Final Communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*dw*

Ingrid Weinhold  
Patent Examiner  
Technology Center 3600  
Art Unit 3632

*Ko-Hung Chan*  
Ko-Hung Chan  
Patent Examiner  
Technology Center 3600  
Art Unit 3632